

Serial No.: 10/796,955
Examiner: Jerry M. Blevins

REMARKS

Claims 1-3, 5-11, 13-16, 19-27, and 34-38 (Claims 34-38 are newly added) remain in this application. Claim 4, 12, 17-18, and 28-33 are canceled. Claims 1, 3, 6-7, 9, 16, 22, 24-25, and 27 have been amended. Claims 34-38 are new.

In The Claims:

Independent Claim 16

Applicant thanks the Examiner for the indication of allowable subject matter. Claim 18 stands only objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent claim 16 to include subject matter indicated as allowable (i.e., claim 18), at least for this reason, Applicant submits that claim 16 and all claims dependent therefrom (claims 19-21) are in condition for allowance.

All other Independent Claims (1, 7, 22, 25, and 34)

The Office action also rejected claims 1-2 and 28 under 35 USC 102(e) as being anticipated by Buchter; claims 3, 29-30 and 32 under 35 USC 103(a) as being unpatentable over Buchter in view of Kondo (2004/0007709); claims 5 and 6 under 35 USC 103(a) as being unpatentable over Buchter in view of Bartur (2003/0147601); claims 7-8 and 13 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter; claim 9 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter and further in view of Kondo; claims 10 and 11 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter and further in view of Eden (4,110,778); claim 14 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter and further in view of Hwang (2002/0163952); claim 15 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter and further in view of Kuramata (2003/0113053); claims 16 and 19 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter and further in view of Kondo; claim 20 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter and further in view of Kondo and still further in view of Hwang.; claim 21 under 35 USC 103(a) as being unpatentable over Bartur in view of Buchter and further in view of Kondo and still further in view of Kuramata; claims 22-23 and

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25-26 under 35 USC 103(a) as being unpatentable over Bartur in view of AAPA and further in view of Buchter; claims 24 and 27 under 35 USC 103(a) as being unpatentable over Bartur in view of AAPA and further in view of Buchter and still further in view of Kondo. Applicant respectfully traverses.

Independent Claims 1, 7, 22, and 25 have been amended to include, "said emitting laser, first photodiode, and second photodiode are axially aligned with an emission axis of said emitting laser". Applicant submits that no cited art, either alone or in combination, teaches the combination of elements now claimed in these independent claims.

Further, dependent Claims 3, 6, 9, 24, and 27 have been amended to include subject matter which further distinguished the claimed invention over the cited art and which Applicant submits is not taught by the cited art.

Claims 34-38 are newly added and contain at least portions of the above-mentioned elements and are believed to be distinguishable over the cited art.

CONCLUSION

For the above reasons, Applicant believes the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection/objection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Bobby Slaton at (972) 519-2295.

Respectfully submitted,

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